



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 4243-00

17 November 2000

[REDACTED]

Dear Mr. [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 20 November 1997 for eight years at age 18. You were ordered to active duty on 15 April 1998 for four years in the Training and Administration of Reserves (TAR) Enlistment Program.

The record reflects that on 8 June 1998 you were notified that you were being considered for an administrative separation by reason of convenience of the government as evidenced by a diagnosed adjustment disorder. You were advised of your procedural rights, declined to consult with legal counsel, and waived the right to have your case reviewed by the general court-martial convening authority. The medical consultation summary that documents the adjustment disorder diagnosis is not filed in the record along with the other separation processing documentation.

On 10 June 1998 you received nonjudicial punishment for two periods of UA totalling about 11 days. Punishment imposed consisted of a forfeiture of \$199 and 14 days of restriction and extra duty.

On 15 June 1998 the discharge authority directed an entry level separation. He noted that your diagnosed adjustment disorder interfered with your performance of duty. You received an uncharacterized entry level separation on 30 June 1998 by reason of erroneous enlistment and were assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of erroneous enlistment. The Board noted the character references and the statements of you and your parents. The Board also noted that it is rare for an individual to receive NJP in recruit training. Further, you could also have been separated by reason of entry level performance and conduct, for which the same reenlistment code is required. The Board concluded that an NJP in less than three months of service and a diagnosed adjustment disorder provided sufficient justification for the assignment of an RE-4 reenlistment code. The Board concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director